

02-22-05

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 10/040,751)	
)	
Title: Embedded Sensor Multi-Hole Probe)	Ex. A. Ellington
)	
Inventor: Rediniotis et al)	Art Unit 2855
)	
Filed: Jan. 8, 2002)	

RESPONSE TO ONE MONTH RESTRICTION REQUIREMENT

In response to the Election requirement imposed by the Examiner in her January 21, 2005 action, the applicants respond as follows:

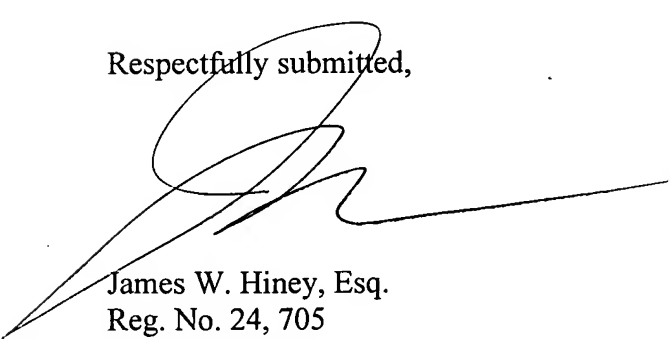
Applicants elect claims 1 – 11 and 15 – 17 which the Examiner has categorized as Group I with traverse. Applicants believe that the restriction requirement is not well taken and argue that, at the very least, claim 12 should be included along with claims 1 – 11 and 15 – 17. Claim 12, as amended, calls for a microsensor or MEMS unit which can only be used on the invention as disclosed. The Examiner calls the unit of Claim 12 a subcombination of the claims of Group I but does not show by example where else it could be used. Likewise she makes the same allegations of the claims of Group III without stating how exactly it could be used in another setting. One cannot merely make broad sweeping allegations of “possible other use”, there has to be some foundation in fact. Thus it is maintained that the omni-directional three component flow probe of

Claims 13 and 14 of Group III and the MEMS of Claim 12 and Group II should be included with the claims of Group I. Also, for sake of searching, both Group I and Group III are in the same class which does not impose a hardship on the Examiner for searching as the files are in the same room.

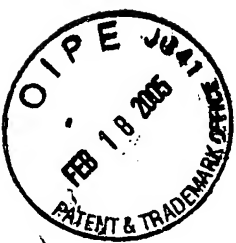
In regard to the restriction of Claims 18 – 20 into a fourth invention, Group IV, that also is traversed as the process of those claims cannot be practiced by a materially different apparatus such as an aircraft speed sensor or rotating pressure sensor. A speed sensor cannot calculate the flow angles and the static pressure of a given flow nor can a rotating pressure sensor calculate said flow angles. If the Examiner is of the opinion that they can be so used then she is obligated to describe exactly how this will occur in each instance.

Finally, it is not understood why a restriction requirement is being imposed after Prosecution on the merits has commenced. The claims have already been amended in response to the first Office action and this change of mind seems arbitrary and not in keeping with normal examination procedures.

Respectfully submitted,

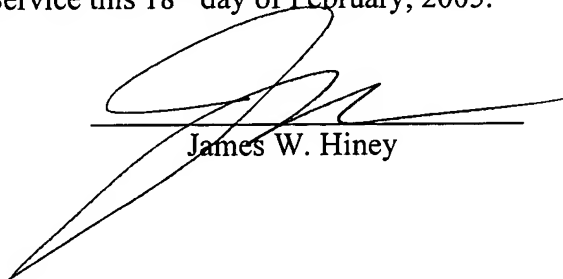


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Certification of Mailing

I, James W. Hiney, do hereby aver and certify that an executed copy of this response was deposited, Express Mail No ED 114663121 US postage prepaid, with the United States Postal Service this 18th day of February, 2005.



James W. Hiney